

sation of the causes for deferment or the expiration of any deferments granted under sections 28b to 28e of this title and shall be in addition to the annual assessment work required by law in such year.

(June 21, 1949, ch. 232, § 3, 63 Stat. 215.)

§ 28e. Recordation of deferment

Claimant shall file or record or cause to be filed or recorded in the office where the notice or certificate of location of such claim or group of claims is filed or recorded, a notice to the public of claimant's petition to the Secretary of the Interior for deferment under sections 28b to 28e of this title, and of the order or decision disposing of such petition.

(June 21, 1949, ch. 232, § 4, 63 Stat. 215.)

§ 28f. Fee

(a) Claim maintenance fee

The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2004 through 2008, a claim maintenance fee of \$100 per claim or site.¹ Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28–28e)² and the related filing requirements contained in section 1744(a) and (c) of title 43.

(b) Time of payment

The claim maintenance fee payable pursuant to subsection (a) of this section for any assessment year shall be paid before the commencement of the assessment year, except that for the initial assessment year in which the location is made, the locator shall pay the claim maintenance fee at the time the location notice is recorded with the Bureau of Land Management. The location fee imposed under section 28g of this title shall be payable not later than 90 days after the date of location.

(c) Oil shale claims subject to claim maintenance fees under Energy Policy Act of 1992

This section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (Public Law 102–486; 106 Stat. 3111; 30 U.S.C. 242).

(d) Waiver

(1) The claim maintenance fee required under this section may be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(A) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(B) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28–28e)² to maintain the mining claims held by the claimant and such related parties for the

assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(2) For purposes of paragraph (1), with respect to any claimant, the term “related party” means—

(A) the spouse and dependent children (as defined in section 152 of title 26), of the claimant; and

(B) a person who controls, is controlled by, or is under common control with the claimant.

For purposes of this section, the term control includes actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

(3) If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: (A) cure such defect or defects, or (B) pay the \$100 claim maintenance fee due for such period.

(Pub. L. 103–66, title X, § 10101, Aug. 10, 1993, 107 Stat. 405; Pub. L. 105–240, § 116, Sept. 25, 1998, 112 Stat. 1570; Pub. L. 105–277, div. A, § 101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–235; Pub. L. 107–63, title I, [(1)], Nov. 5, 2001, 115 Stat. 418; Pub. L. 108–108, title I, Nov. 10, 2003, 117 Stat. 1245.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in subsec. (a), are classified generally to this title.

The Mining Law of 1872 (30 U.S.C. 28–28e), referred to in subssecs. (a) and (d)(1)(B), probably means act May 10, 1872, ch. 152, 17 Stat. 91, as amended. That act was incorporated into the Revised Statutes as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title. For complete classification of R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

CODIFICATION

Pub. L. 108–108, which directed the amendment of section 28 of title 30, United States Code, “in section 28f(a)”, was executed by making the amendment to section 10101 of Pub. L. 103–66, which is classified to this section, to reflect the probable intent of Congress. See 2003 Amendment note below.

Pub. L. 107–63, which directed the amendment of section 28f of title 30, United States Code, was executed by making the amendment to section 10101 of Pub. L. 103–66, which is classified to this section, to reflect the probable intent of Congress. See 2001 Amendment note below.

Pub. L. 105–277, which directed the amendment of section 28f of title 30, United States Code, was executed by making the amendment to section 10101 of Pub. L. 103–66, which is classified to this section, to reflect the probable intent of Congress. See 1998 Amendment notes below.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–108 substituted “for years 2004 through 2008” for “for years 2002 through 2003”. See Codification note above.

2001—Subsec. (a). Pub. L. 107–63 added first sentence and struck out former first sentence which read as follows: “The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining

¹ So in original. Probably should be followed by a period.

² See References in Text note below.